

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KYMERE CORBIN,**  
**Plaintiff,**

**v.**

**JULIO M. CORBIN, *et al.*,**  
**Defendants.**

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**CIVIL ACTION NO. 19-CV-2480**

**ORDER**

AND NOW, this 17<sup>th</sup> day of June, 2019, upon consideration of Plaintiff Kymere Corbin's Motion to Proceed *In Forma Pauperis* (ECF No. 2), his Prisoner Trust Fund Account Statement (ECF No. 6), and his *pro se* Amended Complaint (ECF No. 8), which raises claims under 42 U.S.C. § 1983, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Kymere Corbin, #NB3324, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of SCI Retreat or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Corbin's inmate account; or (b) the average monthly balance in Corbin's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Corbin's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

Corbin's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of SCI Retreat.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** as to all claims asserted against Defendant Julio M. Algarin pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii).

6. Corbin is given thirty (30) days to file a second amended complaint. Any second amended complaint shall identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint and shall state the basis for Corbin's claims against each defendant. Corbin should provide enough information for the Court to understand what happened to him, how each named Defendant acted to cause him injury, and when the events occurred. When drafting his amended complaint, Corbin should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court shall send Corbin a blank copy of the Court's form complaint to be used by a prisoner filing a civil rights action bearing the above civil action number. Corbin may use this form to file his second amended complaint in the instant case if he chooses to do so.

8. If Corbin fails to file a second amended complaint in accordance with paragraph

seven (6) of this Order, his case will proceed based on his Amended Complaint against the other named Defendants only.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

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**MITCHELL S. GOLDBERG, J.**